



Federal Bar Association

Office of the President

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April 5, 2004

The Honorable Frank Wolf
Chairman
Appropriations Subcommittee on Commerce,
Justice, State and Judiciary
U.S. House of Representatives
Washington, DC 20515

The Honorable Jose E. Serrano
Ranking Minority Member
Appropriations Subcommittee on Commerce,
Justice, State and Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Gentlemen:

I write on behalf of the Federal Bar Association to express our concern over the present funding situation confronting the federal judiciary. Current and projected appropriations levels are so insufficient that a crisis threatens to overtake the federal courts. I ask for your assistance in assuring that sufficient financial resources are devoted to assuring the continuance of court operations that provide for the prompt delivery of justice.

The workload of the federal courts is increasing, while their resources are decreasing. From 2002 to 2004, criminal cases are projected to increase 10 percent, activated pretrial services cases by 17 percent, bankruptcy filings by 11 percent, and Criminal Justice Act representations by 19 percent, to name but a few key indicators. At the same time, court non-salary operating expenses have been reduced by 32 percent below the courts' requirements as a result of lower funding levels over the last two fiscal years. Workforce cuts already are causing court operations to suffer. Probation officers, for example, are being compelled to scale back on the supervision of persons they deem to be "less dangerous" released felons. The early termination of supervision of these persons presents difficult choices that pose the potential for endangering public safety. In addition, funds used to pay Constitutionally-mandated counsel for indigent defendants will run out in June, four months before the end of the fiscal year. This will result in significant delays in criminal proceedings. Moreover, funds to pay jurors in civil trials are expected to expire in July. This has the potential of bringing all civil jury trials to a halt.

The situation is even more desperate when looking ahead to next year. If Congress enacts the Administration's fiscal year 2005 funding request, the federal courts will be forced to cut operating expenses in half, and to fire or lay off an estimated 3,800 court employees, representing almost 20 percent of the probation and clerks' office personnel.

The impact of these cuts will be felt throughout the federal courts across the nation and by the public in several ways:

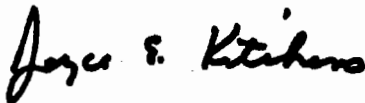
- The sentencing process will be jeopardized because too few probation officers will be available to help judges fashion appropriate sentences.
- Testing and supervision of released prisoners will be limited to only the most dangerous felons, resulting in a significant degradation of public safety.
- Victim advocacy responsibilities, including the determination of monetary losses and the collection of victim restitution and criminal fines, will be substantially impaired.
- Payment of court-appointed counsel for indigent defendants, as required by the Constitution, will become unavailable.
- Jury payments for civil trials will run out, throwing into jeopardy the availability of trial by jury.

Significant numbers of members of the Federal Bar Association practice before the federal courts throughout the United States. Our members are critically concerned about the urgent need to assure that adequate funding is made available to the federal courts to provide for the prompt delivery of justice.

The war on terrorism and related efforts to render justice rely upon a judiciary that is strong and adequately funded. Courts have no control over the number of cases filed, the number of felons released from prison that must be supervised, or the number of indigent defendants requiring representation under the Constitution of the United States. We urge the Congress to make the federal judicial system a high priority and provide the funds necessary for the fulfillment by the courts of their constitutional and statutory responsibilities.

Thank you for your consideration and support of our concerns.

Sincerely yours,

A handwritten signature in black ink that reads "Joyce E. Kitchens". The signature is written in a cursive, flowing style.

Joyce E. Kitchens
National President